

10526. Misbranding of oil. U. S. * * * v. 19 * * * Cans, 79 Cans, and 449 Cans of Oil Labeled * * * La Provence Brand Oil. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 15281, 15293, 15306. I. S. Nos. 8216-t, 8217-t, 8218-t, 8220-t. S. Nos. E-3506, E-3521, E-3530.)

On July 29 and August 4 and 9, 1921, respectively, the United States attorney for the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 98 half-gallon cans, 410 quart cans, and 39 gallon cans of La Provence Brand oil, at Syracuse, Albany, and Amsterdam, N. Y., respectively, alleging that the article had been shipped by the Littauer Oil Co., Guttenberg, N. J., on or about June 11, 15, and 20, 1921, respectively, and transported from the State of New Jersey into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "* * * La Provence Brand Oil * * * Littauer Oil Co., Guttenberg, N. J. * * * One Half Gallon" (or "One Quart" or "One Gallon").

Misbranding of the article was alleged in substance in the libels for the reason that the respective statements, "One Gallon," "One Half Gallon," or "One Quart," borne on the labels of the cans containing the said article, were false and misleading and deceived and misled the purchaser, in that the said statements were applied wilfully, wrongfully, and unlawfully to induce purchasers to believe that the said cans contained one gallon, one half-gallon, or one quart, as the case might be, of the said article. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 6, 1922, the cases having been consolidated into one, and the Littauer Oil Co., Guttenberg, N. J., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,094, in conformity with section 10 of the act, conditioned in part that the said product be either labeled with stickers bearing the statements "3 Quarts, 1 Pint, 7 Fluid Ounces," "1 Quart, 1 Pint, 13 Fluid Ounces," and "1 Pint, 15 Fluid Ounces," according to the size of the cans, or that the cans be emptied of the contents and destroyed or disposed of under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10527. Adulteration of Brazil nuts. U. S. * * * v. 4 Sacks * * * of Brazil Nuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 15918. I. S. No. 2372-t. S. No. C-3380.)

On January 14, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 sacks of Brazil nuts, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Birdsong Bros., New York, N. Y., on or about July 5, 1921, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "* * * 50 Bags Med. Mark E. Birdsong Brothers."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid vegetable substance, in that it contained rancid, moldy, and shriveled nuts.

On April 27, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10528. Adulteration and misbranding of olive oil. U. S. * * * v. 75 Cans of * * * Caruso Puro Olio D'Oliu * * * Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15920. I. S. No. 8107-t. S. No. E-3732.)

On January 30, 1922, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation

of 75 cans of a product labeled "Caruso Puro Olio D'Oлива," remaining unsold in the original unbroken packages at Wilmington, Del., alleging that the article had been shipped by the Southern [Olive] Oil Co., New York, N. Y., on or about November 3, 1921, and transported from the State of New York into the State of Delaware, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that substances, oils other than olive oil, had been mixed and packed with and substituted wholly or in part for the said article and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements on the cans containing the article, "Net Contents One Quarter Gallon Caruso Puro Olio D'Oлива * * * This can contains the best olive oil ever produced * * *," together with a design or device of olive branches showing olives and the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct, and for the further reason that the article purported to be a foreign product when not so.

On May 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10529. Misbranding of Ferraline. U. S. * * * v. 311 Bottles * * * of * * * Ferraline. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16296. Inv. No. 38659. S. No. C-3613.)

On May 11, 1922, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 311 bottles of Ferraline, at Houston, Tex., alleging that the article had been shipped by the Ferraline Medicine Co., Demopolis, Ala., on or about August 12, 1920, and transported from the State of Alabama into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) " * * * For Stomach Trouble, Rheumatism, Indigestion, Kidney Trouble, Blood Purifier, System Builder * * * Builds up the Rundown System, Restores Vitality, Relieves 'Spring Fever' and has no equal in the treatment of Kidney Trouble. For Weak, Puny Children this Natural Tonic can be relied upon no matter how serious or long standing * * *," (bottle) " * * * For Indigestion, Rheumatism, Stomach Trouble, Kidney Trouble, Dysentery. System Builder And Blood Purifier * * *"; (circular) " * * * the greatest System Builder known. * * * Indigestion flees when Ferraline approaches, Rheumatism hides when Ferraline crowds the blood with rich, Red Corpuscles, Nervousness is forgotten when Ferraline takes hold, Weakness and Fear and Physical Timidity give way to Strength and Courage and Force when Ferraline is used regularly. * * * Ferraline * * * will benefit anyone who is weak, rundown and lacking in that full strength and vigor that brings happiness and contentment to the perfect man. Ferraline is the Sure Way. * * * If you are weak and nervous, if your digestive organs are impaired or if you suffer with Rheumatism, kidney or stomach trouble, begin Today taking Ferraline and become Rich in Good Health. Ferraline is guaranteed to give permanent relief to those who suffer with Indigestion, Rheumatism * * * Insomnia, Burns, * * * Eczema, Poison Oak or Stings of any kind. * * * For Indigestion, Dyspepsia, or Stomach Troubles, * * * Rheumatism, * * * General Debility, * * * Dysentery or Bloody Flux. * * * Burns, * * * Kidney Trouble or general rundown condition, * * * Ferraline * * * Will * * * Build Up the System; It Will Positively Relieve Indigestion And Stomach Troubles; It Will Cure Rheumatism When Caused by Impoverished Blood And Many Other Causes; It Is A Wonderful Remedy For Kidney Troubles; * * * Is Especially Recommended For Pellagra Or Any Symptom Of A Run Down, Impoverished Condition * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of about 3 per cent of iron sulphate and other iron compounds and about 97 per cent of water.